

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**REQUEST FOR MODIFYING THE CONDITIONS OR TERM OF
SUPERVISION WITH THE CONSENT OF THE OFFENDER**
(Probation Form - Waiver of Hearing is Attached)

Offender Name: Thomas Devine **Case Number:** 2:06CR535-01

Name of Sentencing Judicial Officer: The Honorable Louis H. Pollak

Date of Sentence: September 15, 2008

Original Offense: Possession of child pornography (Count One).

Original Sentence: Seventy-eight months in the custody of the U.S. Bureau of Prisons, followed by a three year term of supervised release. A \$100.00 special assessment and a \$2,000.00 fine was imposed.

Special Conditions: 1) The defendant shall participate in a mental health treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office; 2) The defendant shall follow the directions of the U.S. Probation Office regarding contact with children under the age of 18. The defendant shall not obtain employment or perform volunteer work which includes, as part of its job/work description, contact with minor children. The probation officer may have the right of reasonable search of the defendant, his residence, or any other establishment within the defendant's custody or control, and may, if necessary, request the assistance of other law enforcement personnel to enforce the provisions of this special condition; 3) The defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the probation officer; 4) The defendant shall cooperate in the collection of DNA as directed by the probation officer; and 5) The defendant shall submit to an initial inspection by the U.S. Probation Office and to any examinations during supervision of the defendant's computer and any devices, programs, or application. The defendant shall allow the installation of any hardware or software systems which monitor or filter computer use. The defendant shall abide by the standard conditions of computer monitoring and filtering that will be approved by this Court. The defendant is to pay the cost of the computer monitoring not to exceed the monthly contractual rate, in accordance with the probation officer's discretion.

Type of Supervision: Supervised Release **Date Supervision Commenced:** August 29, 2014

U. S. Attorney's Response: No Objections X Objections _ No Response _

PETITIONING THE COURT

This action is taken because:

The defendant's instant offense is categorized as a sex offense and, as such, treatment for sexual deviancy that is part of the Containment Model is necessary.

On November 25, 2014, we contacted Assistant U.S. Attorney Karen L. Grisby via telephone and she stated that she has no objection to the proposed modification. On the same date, Mr. Devine was advised of his right to consult with an attorney, which he declined. In addition, he has opted to accept the proposed modifications and waive his right to a hearing before Your Honor.

RE: Thomas Devine
Case No.: 2:06CR535-01

To modify the conditions of supervision as follows:

The defendant shall participate in a sex offender program for evaluation and treatment and abide by the rules of any such program until satisfactorily discharged. While in the treatment program, the defendant shall submit to risk assessment, psychological testing, and physiological testing, which may include, but is not limited to, polygraph or other specific tests to monitor compliance with supervised release and treatment conditions.

Respectfully submitted,

Ronald DeCastro, Chief
U.S. Probation Officer



Fred D. Crawford
Sr. U.S. Probation Officer
Sex Offender/Computer Crimes Specialist

FDC/

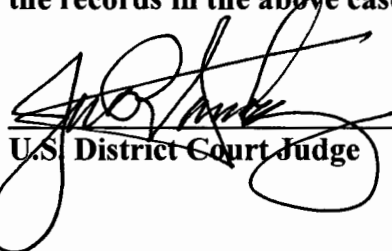
Approved:



Thomas S. Adamczyk
Supervising U.S. Probation Officer
Date: November 25, 2014

ORDER OF THE COURT

Considered and ordered this
11th day of December
2014 and ordered filed and made part of
the records in the above case.



U.S. District Court Judge

cc: Probation (2)

ACKNOWLEDGMENT AND REQUEST FOR HEARING

I, **Thomas Devine**, acknowledge receipt of the Notice for Modification of Supervision Conditions, and request a hearing.

Signature _____ Witness _____
U.S. Probation Office

Date: November 25, 2014

ACKNOWLEDGMENT AND WAIVER OF HEARING

I, **Thomas Devine**, acknowledge receipt of this Notice for Modification of Supervision Conditions. I have read and understand this Notice, that I have the right to a hearing before the Court, and the right to have legal representation at the hearing. However, I hereby waive my right to a hearing and agree to the proposed modification of the conditions of supervision. I also certify that no promises have been made in order to influence me to give up my right to a hearing, nor have any threats been directed at me if I had elected to proceed with a hearing.

Signature Thomas Devine Witness [Signature]
U.S. Probation Office

Date: November 25, 2014

UNITED STATES PROBATION OFFICE
EASTERN DISTRICT OF PENNSYLVANIA

NOTICE FOR MODIFICATION OF SUPERVISION CONDITIONS

TO: **Thomas Devine**

Docket #: **2:06R00535-001**

This is to notify you that the U.S. Probation Office intends to make a formal request to the Court that the conditions of supervision be modified as follows:

The defendant shall participate in a sex offender program for evaluation and treatment and abide by the rules of any such program until satisfactorily discharged. While in the treatment program, the defendant shall submit to risk assessment, psychological testing, and physiological testing, which may include, but is not limited to, polygraph or other specific tests to monitor compliance with supervised release and treatment conditions.

The reason for this modification is:

The defendant's instant offense is categorized as a sex offense and, as such, treatment for sexual deviancy that is part of the Containment Model is necessary.

You have the right to a hearing before the Court on the modification of the conditions of supervision, and the right to be represented by counsel at such hearing. You also have the right to waive such a hearing. You are asked to acknowledge receipt of this notice by signing the applicable portion of this form.

If you desire a hearing, simply sign the ACKNOWLEDGMENT AND REQUEST FOR HEARING portion of the form. You will be notified of the time, date, and location of the hearing.

If you wish to waive a hearing, sign the ACKNOWLEDGMENT AND WAIVER portion of the form.

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

COMPUTER MONITORING STANDARD CONDITIONS

1. I, Thomas Devine have been ordered to have my computer use monitored/filtered as a condition of supervision. I agree to comply with all program rules set forth in this agreement, and the instructions of the probation officer. I understand that this agreement is, by reference, part of the order setting conditions for my supervision and that failure to comply with its provisions or the instructions of my officer will be considered a violation of my supervision and may result in an adverse action.
2. I agree to call my officer immediately if I have any questions about these rules or if I experience any problems that may hinder my compliance with this program.
3. I understand that my officer will use telephone calls and unannounced personal visits to monitor my compliance. When at home, I agree to promptly answer my telephone or door.
4. I understand that I may only use one computer in my home. This computer must have a Windows or DOS operating system. I further understand that I am solely responsible for the content, programs, and data that may be stored on the computer. Prohibited are any wireless devices, including hand-held computers and cellular telephones that can transmit images or files.
5. My supervising officer may install software designed to monitor or filter computer activities on any home computer I am authorized to use. Prior to the installation of computer monitoring or filtering software, the computer drives will undergo an initial inspection. I understand that the software may record any and all activity on my computer, including the capture of keystrokes, application information, Internet use history, e-mail correspondence, and chat conversations. I further understand that a notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software on my computer. I agree not to attempt to remove, tamper with, reverse engineer, or in any way circumvent the software.
6. I will not use any software program or device designed to hide, alter, or delete records/logs of my computer use, Internet activities, or the files stored on my assigned computer. This includes the use of encryption, stenography, and cache/cookie removal software.

7. I will not install new hardware or effect repairs on my computer system without receiving prior permission from my supervising officer.
8. I understand that my supervising officer may use measures to assist in monitoring compliance with these conditions, such as placing tamper-resistant tape over unused ports and to seal my computer case.
9. I will disclose all online accounts, including user-names and passwords, to my supervising officer upon request. I will also provide telephone/Internet service provider billing records upon demand, as well as proof of the disconnection or termination of such services. I agree to execute a release form to allow the U.S. Probation Office to access account information directly from the Internet Service Provider.
10. I will not create or assist directly or indirectly in the creation of any electronic bulletin board, ISP, or any other public or private network without the prior written consent of the U.S. Probation Office.
11. If password protection is required on my system, application, or files used by the offender, such passwords will be provided upon request of the U.S. Probation Office.
12. I consent to allow for the examination of any internal or external storage media, including hard disks, zip disks, floppy diskettes, CD ROMs, optical disks, magnetic tapes, or any other storage media.

(Signed) Thomas Dorne 11/25/14
(Defendant) (Date)

[Signature] 11/25/14
U.S. Probation Officer/Designated Witness (Date)

Approved:

[Signature] 12/11/14
U.S. District Judge Date
[09/04]

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cc: Probation (2)